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11 UNITED STATES DISTRICT COURT
12 WESTERN DISTRICT OF WASHINGTON
13 AT TACOMA

14 LARRY LLOYD,
15 Plaintiff,
16 v.
17 WASHINGTON STATE,
18 Defendant.

Case No. C04-5859FDB

REPORT AND
RECOMMENDATION

**NOTED FOR:
APRIL 15th, 2005**

21 This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge
22 pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR
23 3, and MJR 4. On January 6th, 2005 mail sent to plaintiff by the court was returned as undeliverable.
24 (Dkt. # 5). It has been more than sixty days since mail was returned, the court does not have a current
25 address for the plaintiff. The plaintiff appears to have abandoned this action.

26 DISCUSSION

27 Local Rule 41 (b) (2) states:

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1 A party proceeding pro se shall keep the court and opposing parties advised as to his
2 current address. If mail directed to a pro-se plaintiff by the clerk is returned by the
3 post office, and if such plaintiff fails to notify the court and opposing parties within
sixty days thereafter of his current address, the court may dismiss the action without
prejudice for failure to prosecute.

4 This action has existed more than sixty days without an address for the plaintiff. Dismissal
5 without prejudice for failure to prosecute is appropriate. Accordingly, the undersigned recommends
6 **DISMISSAL WITHOUT PREJUDICE** for failure to prosecute pursuant to Local Rule 41 (b)(2).

7

8 **CONCLUSION**

9 The court should dismiss this action as plaintiff has left no forwarding address and appears to
10 have abandoned the case. A proposed order accompanies this Report and Recommendation.

11 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal rules of Civil Procedure, the
12 parties shall have ten (10) days from service of this Report to file written objections. *See also* Fed.
13 R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of
14 appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule
15 72(b), the clerk is directed to set the matter for consideration on **April 15th, 2005**, as noted in the
16 caption.

17

18 DATED this 18th day of March, 2005.

19

20 /S/ J. Kelley Arnold
J. Kelley Arnold
21 United States Magistrate Judge